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July 1, 2022

BY ECF

Honorable Gary R. Brown, U.S.D.J.
United States District Judge
United States Courthouse
100 Federal Plaza
Central Islip, New York 11722

Jurcev v. Citibank, N.A., et als.
Case No. 22 CV 3754 (GRB) (SIL)

Dear Judge Brown,

We are counsel to defendant Citibank, N.A. in the referenced action, which Citibank removed to this Court by Notice of Removal on June 27, 2022 [ECF No. 1], following plaintiff's service of a Summons with Notice dated May 24, 2022 (the "Summons with Notice"), she filed in the Supreme Court of New York, County of Suffolk (the "State Court Action").¹

We write to address the Order to Show Cause filed June 30, 2022, by which this Court inquires whether plaintiff filed a complaint in the State Court Action, and asks Citibank to either file such complaint or a letter "clarifying its non-existence." Citibank is unaware of any such complaint, and a review of the New York State Courts Electronic Filing platform reveals no such complaint was filed. Rather, as referenced in the Notice of Removal, on May 27, 2022 plaintiff filed a Supplemental Summons with Notice (the "Supplemental Summons") that does not appear to have been served on any defendant. But, as with Summons with Notice, plaintiff did not attach a complaint to the Supplemental Summons.

¹ Unlike Fed. R. Civ. P. Rule 3, which provides that "[a] civil action is commenced by filing a complaint with the court," New York CPLR § 3012 does not include such requirement. Instead, it provides that "[t]he complaint *may* be served with the summons" and that "[i]f the complaint is not served with the summons, the defendant may serve a written demand for the complaint." That is the procedure followed here.

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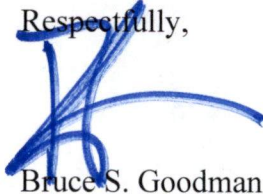
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By Notice of Appearance and Demand for Complaint, dated July 1, 2022, Citibank demanded that plaintiff serve a Complaint. [ECF Doc. No. 6]

Respectfully,

A handwritten signature in blue ink, appearing to be "B. Goodman", written over the word "Respectfully,".

Bruce S. Goodman

cc: Peter R. Shipman, Esq. (by email: petelaw52@optonline.net)